

107TH CONGRESS
1ST SESSION

S. 1871

To direct the Secretary of Transportation to conduct a rail transportation security risk assessment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18), 2001

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Secretary of Transportation to conduct a rail transportation security risk assessment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Rails Act of
5 2001”.

6 **SEC. 2. RAIL TRANSPORTATION SECURITY RISK ASSESS-** 7 **MENT.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall—

1 (1) conduct a comprehensive vulnerability as-
2 sessment and security needs analysis of hazardous
3 materials transportation in the railroad freight
4 transportation industry; and

5 (2) with regard to the shipment of hazardous
6 materials, assess the security risks associated with
7 rail transportation and develop prioritized rec-
8 ommendations for—

9 (A) improving the security of rail tunnels,
10 rail bridges, rail switching areas, and other
11 areas identified by the Secretary as posing sig-
12 nificant rail-related risks to human health and
13 public safety and the movement of interstate
14 commerce, taking into account the impact that
15 any proposed security measure might have on
16 the provision of rail service; and

17 (B) dealing with the immediate and long-
18 term economic impact of measures that may be
19 required to address those risks.

20 (b) CONSULTATION; USE OF EXISTING RE-
21 SOURCES.—In carrying out the assessment and analysis
22 required by subsection (a), the Secretary shall—

23 (1) consult with and consider any relevant as-
24 sessments and analyses prepared by the railroad
25 freight transportation industry, owners or lessors of

1 tank cars used in the transportation of hazardous
2 materials, rail labor, or hazardous materials shippers
3 (including officials responsible for responding to
4 emergencies);

5 (2) consider relevant risk assessments and anal-
6 yses prepared by State and Federal regulatory or
7 law enforcement agencies; and

8 (3) utilize, to the maximum extent feasible, the
9 resources and assistance of—

10 (A) the Federal Railroad Administration’s
11 Rail Safety Advisory Committee; and

12 (B) the Transportation Research Board of
13 the National Academy of Sciences.

14 (c) REPORT.—

15 (1) CONTENTS.—Within 180 days after the
16 date of enactment of this Act the Secretary shall
17 transmit to the Senate Committee on Commerce,
18 Science, and Transportation and the House of Rep-
19 resentatives Committee on Transportation and In-
20 frastructure a report, without compromising national
21 security, containing—

22 (A) the assessment, analysis, and
23 prioritized recommendations required by sub-
24 section (a); and

1 (B) any proposals the Secretary deems ap-
2 propriate for providing Federal financial, tech-
3 nological, or research and development assist-
4 ance to railroads, owners or lessors of tank cars
5 used in the transportation of hazardous mate-
6 rials, rail labor, or hazardous materials shippers
7 (including officials responsible for responding to
8 emergencies) to assist in reducing the likeli-
9 hood, severity, and consequences of deliberate
10 acts of crime or terrorism toward rail employ-
11 ees, rail passengers, rail shipments, tank cars,
12 or rail property.

13 (2) FORMAT.—The Secretary may submit the
14 report in both classified and redacted formats if the
15 Secretary determines that such action is appropriate
16 or necessary to avoid compromising national secu-
17 rity.

18 (d) CONFIDENTIALITY.—Except for the report to
19 Congress required by subsection (c), or where limited dis-
20 closure to law enforcement, fire, or other public safety offi-
21 cials is required to protect human health or public safety,
22 the Secretary may keep confidential the assessment and
23 analysis required by subsection (a), along with all related
24 materials, and such information shall not be subject to dis-
25 closure under section 552 of title 5, United States Code.

1 **SEC. 3. RAIL SECURITY FUND.**

2 (a) IN GENERAL.—The Secretary of the Treasury
3 shall establish a Rail Security Fund account in the Treas-
4 ury into which the Secretary of the Transportation shall
5 deposit amounts appropriated under subsection (b).

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary of
8 Transportation \$150,000,000 for each of fiscal years 2002
9 and 2003 for deposit into the Rail Security Fund account
10 established under subsection (a). Amounts appropriated
11 pursuant to this subsection shall remain available until ex-
12 pended for grants under subsection (d).

13 (c) ALLOCATION BETWEEN RAILROADS AND OTH-
14 ERS.—Unless as a result of the assessment required by
15 section 1(a) the Secretary determines that critical rail
16 transportation security needs require reimbursement in
17 greater amounts to any eligible entity, no grants under
18 this section may be made to railroads in excess of
19 \$100,000,000 annually.

20 (d) USE OF APPROPRIATED AMOUNTS.—Amounts in
21 the account are available to the Secretary of Transpor-
22 tation for grants to freight railroads, hazardous materials
23 shippers, or owners of tank cars used in the transportation
24 of hazardous materials, for full or partial reimbursement
25 of costs incurred on or after September 11, 2001, in the

1 conduct of activities to prevent or respond to acts of ter-
2 rorism, sabotage, or other security threats, including—

3 (1) additional operations involving rerouting,
4 switching, and the express movement of hazardous
5 materials to address security risks;

6 (2) hiring additional manpower required to in-
7 crease security of the entire rail network, including
8 rail cars on leased track;

9 (3) security and redundancy for critical commu-
10 nications, computer, and train control systems essen-
11 tial for secure rail operations;

12 (4) development of secure networks to enable
13 railroads to communicate information to hazardous
14 materials shippers and tank car owners regarding
15 credible threats to hazardous material shipments
16 anywhere along the rail network or on shipper facili-
17 ties;

18 (5) development and deployment of secure glob-
19 al positioning satellite tracking systems on all tank
20 cars transporting high hazard materials;

21 (6) investment in the physical hardening of crit-
22 ical railroad infrastructure;

23 (7) research and development of improved tech-
24 nology for sealing rail cars;

1 (8) tank car modifications, or storage of addi-
2 tional tank cars in excess of the number normally
3 stored on-site at shippers' facilities, if required by a
4 Federal agency or a railroad; and

5 (9) research and development otherwise sup-
6 porting enhanced security of hazardous materials
7 transportation by rail, including—

8 (A) the purchase of equipment or improved
9 training to enhance emergency response in haz-
10 ardous materials transportation incidents;

11 (B) research and development of tech-
12 niques to transfer hazardous materials from rail
13 cars that are damaged or otherwise represent
14 an unreasonable risk to human life or public
15 safety; and

16 (C) research and development of systems
17 to enhance rail car security on shipper property.

18 (e) ACCOUNTABILITY.—The Secretary of Transpor-
19 tation shall adopt necessary procedures, including audits,
20 to ensure that grants made under this section are ex-
21 pended in accordance with the purposes of this Act and
22 the priorities and other criteria adopted by the Secretary.

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